

By: McClendon

H.B. No. 2225

A BILL TO BE ENTITLED

AN ACT

relating to the operation of a motor vehicle in the vicinity of an unprotected road user; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.428 to read as follows:

Sec. 545.428. (a) In this section, unprotected road user means:

(1) a pedestrian, including a runner, physically disabled person, child, skater, highway construction and maintenance worker, tow truck operator, utility worker, other worker with legitimate business in or near the road or right-of-way, or stranded motorist or passenger;

(2) a person on horseback;

(3) a person operating equipment other than a motor vehicle, including a bicycle, handcycle, horse-driven conveyance, or unprotected farm equipment; or

(4) a person operating a motorcycle, moped, motor-driven cycle, or motor-assisted scooter.

(b) An operator of a motor vehicle passing an unprotected road user operating on a highway or street shall:

(1) vacate the lane in which the unprotected road user is located if the highway has two or more marked lanes running in the same direction; or

1 (2) pass the unprotected road user at a safe distance.

2 (c) For the purposes of Subsection (b)(2), when road
3 conditions allow, safe distance is at least:

4 (1) three feet if the operator's vehicle is a passenger
5 car or light truck; or

6 (2) six feet if the operator's vehicle is a truck other
7 than a light truck or a commercial motor vehicle as defined by
8 Section 522.003.

9 (d) An operator of a motor vehicle that is making a left turn
10 at an intersection, including an intersection with an alley or
11 private road or driveway, shall yield the right-of-way to an
12 unprotected road user who is in the intersection or in such
13 proximity to the intersection as to be an immediate hazard.

14 (e) An operator of a motor vehicle may not overtake an
15 unprotected road user traveling in the same direction and
16 subsequently make a right-hand turn in front of the unprotected
17 road user unless the operator is safely clear of the unprotected
18 road user, taking into account the speed at which the unprotected
19 road user is traveling and the braking requirements of the vehicle
20 making the right-hand turn.

21 (f) An operator of a motor vehicle may not maneuver the
22 vehicle in a manner that:

23 (1) is intended to cause intimidation or harassment to
24 an unprotected road user; or

25 (2) threatens an unprotected road user.

26 (g) An operator of a motor vehicle shall exercise due care
27 to avoid colliding with any unprotected road user on a roadway or in

1 an intersection of roadways.

2 (h) A violation of this section is punishable under Section
3 542.401 except that:

4 (1) if the violation results in property damage, the
5 violation is a misdemeanor punishable by a fine not to exceed \$500;
6 or

7 (2) if the violation results in bodily injury, the
8 violation is a Class B misdemeanor.

9 (i) It is a defense to prosecution under this section that
10 at the time of the offense the unprotected road user was acting in
11 violation of the law.

12 (j) If conduct constituting an offense under this section
13 also constitutes an offense under another section of this code or
14 the Penal Code, the actor may be prosecuted under either section or
15 both sections.

16 SECTION 2. This Act takes effect September 1, 2013.